

AMENDED IN ASSEMBLY APRIL 12, 2004

AMENDED IN SENATE JANUARY 14, 2004

AMENDED IN SENATE JANUARY 5, 2004

SENATE BILL

No. 914

Introduced by Senators Bowen, Escutia, Kuehl, and Speier

(Principal coauthor: Assembly Member Jackson)

(Coauthor: Senator Alpert)

(Coauthors: Assembly Members Bates and Garcia)

February 21, 2003

An act to add Section 13823.13 to, and to repeal Sections 13823.15, 13823.16, 13823.3, 13837, and 13838 of, the Penal Code, relating to domestic violence, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 914, as amended, Bowen. State Department of Health Services: domestic violence prevention grant program.

The Office of Criminal Justice Planning was abolished in 2003. Existing law requires the Director of Finance to designate an agency or agencies to carry out the functions of the office. The Office of Criminal Justice Planning formerly administered certain grant programs relating to victims of domestic violence and sex offenses.

This bill would state the intent of the Legislature that victims' services programs that were administered by the Office of Criminal Justice Planning be temporarily redirected to the Office of Emergency Services, and that certain programs involving domestic violence and sexual assault be permanently consolidated in one program within a state agency to be created and referred to as the Office for Victim

Services. The bill would revise the administration of certain grant programs relating to victims of domestic violence and sex offenses as administered by the Office of Emergency Services.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that victims'
2 services programs that were administered by the Office of
3 Criminal Justice Planning be temporarily redirected to the Office
4 of Emergency Services (OES) for the 2003-04 fiscal year with
5 oversight by the Office of Homeland Security (OHS). It is further
6 the intent of the Legislature that domestic violence programs
7 within the Domestic Violence Branch and sexual assault/rape
8 crisis programs within the Sexual Assault Branch of the Office of
9 Criminal Justice Planning, and the Battered Women's Shelter
10 Program in the Department of Health Services (DHS), be
11 permanently consolidated into one program, office, branch, or
12 department, within one state agency, to be created, and referred to
13 as the Office for Victim Services (OVS).

14 SEC. 2. Section 13823.13 is added to the Penal Code, to read:

15 13823.13. (a) It is the intent of the Legislature that a goal or
16 purpose of the Office of Emergency Services (OES) shall be to
17 ensure that all victims of sexual assault and rape, including adults,
18 children, women, and men, receive comprehensive quality
19 services, and to decrease the incidence of sexual assault through
20 school and community education and prevention programs.

21 (b) For purposes of this section, the OES shall administer
22 victims' services programs and require that all grantees providing
23 services shall provide the following eight mandated services, and
24 the OES shall provide financial and technical assistance to sexual
25 assault and rape crisis centers and programs in implementing all
26 of the following services:

- 27 (1) Crisis intervention, 24 hours per day, seven days per week.
28 (2) Followup counseling services.
29 (3) In-person counseling, including group counseling.
30 (4) Accompaniment services.



1 (5) Advocacy services.

2 (6) Information and referrals to victims and the general public.

3 (7) Community education presentations.

4 (8) Rape prevention presentations and self-defense programs.

5 (c) For purposes of this section, the goal or purpose for the OES
6 shall be to ensure that victims of domestic violence receive
7 comprehensive quality services. The OES shall provide local
8 assistance to existing service providers, maintain and expand
9 services based on a demonstrated need, and develop and establish
10 domestic violence services in underserved areas. All grantees
11 providing services shall provide the ~~46~~ 14 mandated services
12 below and the OES shall provide financial and technical assistance
13 to domestic violence shelters in implementing all of the following
14 services:

15 (1) Emergency shelter to women and their children escaping
16 violent family situations.

17 (2) Twenty-four-hour crisis hotlines.

18 (3) Counseling.

19 (4) Business centers.

20 (5) Emergency food and clothing.

21 (6) Emergency response to calls from law enforcement.

22 (7) Hospital emergency room protocol and assistance.

23 (8) Emergency transportation.

24 (9) Supportive peer counseling.

25 (10) Counseling for children.

26 (11) Court and social service advocacy.

27 (12) Legal assistance with temporary restraining orders and
28 custody disputes.

29 (13) Community resource and referral.

30 (14) Household establishment assistance. Priority for financial
31 and technical assistance shall be given to emergency shelter
32 programs and “safe” homes for victims of domestic violence and
33 their children.

34 (d) For purposes of this section, the OES shall conduct a
35 minimum of one site visit per grant term to each agency funded to
36 provide shelter-based services to battered women and their
37 children and sexual assault/rape crisis-center centers. The purpose
38 of the site visit shall be a performance assessment of, and technical
39 assistance for, each shelter or center visited. The performance

1 assessment shall include, but need not be limited to, a review of all
2 of the following:

3 (1) Progress in meeting program goals and objectives.

4 (2) Shelter and center facilities.

5 (3) Personnel policies, files, and training.

6 (4) Recordkeeping, budgeting, and expenditures.

7 (5) Documentation, data collection, and client confidentiality.

8 (6) Subsequent to each site visit, the OES shall provide a
9 written report to the shelter or center summarizing its
10 performance, any deficiencies noted, and any corrective action
11 needed, pursuant to the timeframe designated in paragraphs (9)
12 and (10) below.

13 (e) The funding process for distributing grant awards to
14 victims' services providers who provide assistance to the victims
15 of domestic violence, sexual assault, and rape shall be
16 administered by the OES as follows:

17 (1) The OES shall administer a comprehensive shelter-based
18 services grant program to battered women and administer a
19 comprehensive sexual assault/rape crisis program pursuant to this
20 section.

21 (2) OES shall be responsible for determining the process and
22 whether to grant, renew, or deny funding to any battered women's
23 shelter or sexual assault/rape crisis center or victim services
24 provider (collectively, VSP) applying or reapplying for funding
25 under the terms of the program.

26 (3) Grants shall be awarded to VSPs that propose to maintain
27 shelters or services previously granted funding pursuant to this
28 section, to expand existing services or create new services, and to
29 establish new battered women's shelters and sexual assault/rape
30 crisis centers and programs in underserved areas.

31 (4) Grants shall be awarded as a result of a request for proposal
32 (RFP) process. The RFP shall comply with all applicable state and
33 federal statutes for domestic violence shelter funding and sexual
34 assault funding, and shall consist of no more than 25 pages for
35 VSPs applying for initial grants and no more than 10 pages for
36 VSPs funded in the previous cycle and reapplying for grants.

37 (5) A grading system shall be established for the RFP process,
38 and for the appeal process for applications that are denied or that
39 result in funding reductions. A description of this grading system

1 and appeal process shall be provided to all VSPs prior to the VSP
2 applying for grants under this program.

3 (6) The OES shall determine when circumstances require an
4 expansion of funding to new or previously unfunded VSPs to
5 accommodate underserved areas. If supplemental funding is
6 unavailable, the OES shall have the authority to lower the base
7 level of grants to all currently funded VSPs by no more than 10
8 percent in order to provide funding for new or previously
9 unfunded VSPs. Base level funding reductions shall not occur
10 during a funding cycle. After the amount of funding reductions has
11 been determined, base level funding availability shall be provided
12 to applicants prior to the next RFP process. Funding reductions
13 made under this paragraph shall not be subject to appeal.

14 (7) VSPs reapplying for grants shall not be subject to a
15 competitive bidding grant process. Any VSP funded through this
16 program in the previous grant cycle shall be refunded, upon
17 reapplication unless its past performance history, evaluated as
18 described in paragraph (8), fails to meet minimum standards,
19 provided however, that the amount funded may be more or less
20 than the previous funding cycle, depending on the amount of
21 funding available.

22 (8) The RFP process for VSPs reapplying for grant funds shall
23 consist in part of a performance assessment of the VSP's past
24 performance history. The assessment shall be made by the OES
25 and shall include, but not be limited to, a site visit and a review of
26 all of the following:

27 (A) Progress in meeting program goals and objectives.

28 (B) Agency organization and facilities.

29 (C) Personnel policies, files, and training.

30 (D) Recordkeeping, budgeting, and expenditures.

31 (E) Documentation, data collection, and client confidentiality.

32 (9) After each site visit conducted under paragraph (8), the
33 OES shall provide a written report to the VSP summarizing the
34 VSP's performance, any deficiencies noted, any corrective action
35 needed, and a deadline for corrective action to be completed. The
36 OES shall submit its written report to the VSP no more than 30
37 days after the site visit assessment. No reapplication for funding
38 by a VSP funded in the previous grant cycle shall be denied if the
39 VSP did not receive a site assessment visit that occurred during the

1 previous cycle and at least six months prior to the beginning of the
2 next RFP process.

3 (10) ~~(A)~~—The OES shall establish a grading system for
4 evaluating performance assessments in accordance with specified
5 minimum standards for VSP funding, and shall provide a
6 description of this grading system to all VSPs receiving grants
7 under this program. VSPs receiving written reports of deficiencies
8 or orders for corrective action after a site visit assessment shall be
9 given no more than six ~~months~~ *months*' time to take corrective
10 action before the next RFP process begins.

11 (11) If corrective action is ordered, and a VSP fails to comply,
12 or if other deficiencies exist that, in the judgment of the OES,
13 cannot be corrected, the OES shall determine, using its grading
14 system where appropriate, whether continued funding for the VSP
15 should be reduced or denied altogether. If a VSP has been
16 determined to be deficient the OES may reserve the right to deny
17 any further funding.

18 (12) If a VSP applies or reapplies for funding pursuant to this
19 section and that funding is denied or reduced, the denial or
20 reduction decision shall be provided in writing to the VSP, along
21 with a written explanation of the reasons for the reduction or denial
22 made in accordance with the grading system for RFPs or for past
23 performance assessments, or the minimum standards for shelter or
24 centers operations. Any appeal of the decision to deny funding
25 shall be made in accordance with the appeal process established by
26 the OES and made available to all VSPs applying for funding.

27 (f) The OES shall administer grants, awarded as the result of a
28 request for application process, to VSPs to conduct demonstration
29 projects to serve battered women and victims of sexual assault,
30 including, but not limited to, creative and innovative service
31 approaches, such as community response teams and pilot projects
32 to develop new interventions emphasizing prevention and
33 education, and other support projects.

34 (g) As a condition of receiving funding pursuant to this section,
35 VSPs shall do all of the following:

36 (1) Provide matching funds or in-kind contributions equivalent
37 to not less than 20 percent of the grant they would receive. The
38 matching funds or in-kind contributions may come from other
39 governmental or private sources.

(2) For domestic violence shelters, ensure that appropriate staff and volunteers having client contact meet the definition of “domestic violence counselor” as specified in subdivision (a) of Section 1037.1 of the Evidence Code. The minimum training specified in paragraph (2) of subdivision (a) of Section 1037.1 of the Evidence Code shall be provided to those staff and volunteers who do not meet the requirements of paragraph (1) of subdivision (a) of Section 1037.1 of the Evidence Code.

(h) The following definitions shall apply for purposes of this section:

(1) “Domestic violence” means the infliction or threat of physical harm against past or present adult or adolescent female intimate partners, and shall include physical, sexual, and psychological abuse against the woman, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over, that woman.

(2) “Sexual assault” means sexual battery, as defined by Section 243.4 of the Penal Code, or rape, as defined by Section 261 or 262 of the Penal Code, committed against all victims, including children, women, and men.

(3) “Shelter-based” means an established system of services where battered women and their children may be provided safe or confidential emergency housing on a 24-hour basis, including, but not limited to, hotel or motel arrangements, haven, and safe houses.

(4) “Emergency shelter” means a confidential or safe location that provides emergency housing on a 24-hour basis for battered women and their children.

SEC. 3. Section 13823.15 of the Penal Code is repealed.

SEC. 4. Section 13823.16 of the Penal Code is repealed.

SEC. 5. Section 13823.3 of the Penal Code is repealed.

SEC. 6. Section 13837 of the Penal Code is repealed.

SEC. 7. Section 13838 of the Penal Code is repealed.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

1 In order to ensure the efficient and orderly administration of
2 grant programs to assist victims of domestic violence and sex
3 offenses, it is necessary that this act take effect immediately.

O

